



Governor Terry E. Branstad

Lt. Governor Kim Reynolds

San Wong, Director

## JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

### MINUTES OF REGULAR MEETING

**Polk County River Place  
2309 Euclid Avenue, Conf. Room 1A  
Des Moines, IA 50310**

**September 5, 2013**

**Present:** Rita Ferneau, Chair; Andrew Allen; Jacey Bair-Waddell; Candice Bennett; Christy Burkhart; Stephen Clarke; Wayne Ford; Joel Illian; Margaret Johnson; Jeremy Kaiser; Roy Klobnak; Bill Ocker; John Quinn; Tony Reed; Shauna Soderstrum; Zachary Thomas; Jennifer Tibbetts; Jeralyn Westercamp; Alyssa Wicker; Doug Wolfe

**Absent:** Robert Bonus; Jason Dively; Karen Jones; Dillon Malone; Carl Smith; David Thompson

**Staff:** Kile Beisner; Dave Kuker; Steve Michael; Scott Musel; Kathy Nesteby; Julie Rinker

**Others:** Tom Southard, Megan Blanford; Betsy Penisten

#### **I. Call to Order**

- Changes and Approval of Agenda Introductions**

Rita Ferneau, Chair, called the meeting to order at 10:10 a.m. Introductions were made at this time.

**Andrew Allen moved to approve the agenda, seconded by Roy Klobnak. The motion was unanimously approved.**

It should be noted that the agenda was taken out of order to accommodate the arrival of Rep. Latham and representatives from Disability Rights Iowa.

#### **II. Approve Minutes – Action**

**There were no changes or corrections to the minutes. Joel Illian moved to approve, seconded by Doug Wolfe. The motion was unanimously approved.**

#### **III. Division Update**

In the absence of Paul Stageberg, Dave Kuker provided the update. The Division is awaiting approval from the Department of Management to fill a vacant position. As a result of a recent audit, the misreporting of time was an isolated incident.

#### **IV. National Update**

Due to the absence of Stageberg, this item was tabled.

#### **V. Council Budget Report**

Beisner reviewed the status of Council funds. A balance of \$9,074.08 remains.

- **Recommendation from Executive Sub-Committee – Action**

Musel reported that the Executive Committee met on August 14 to review expenditures and discuss budget priorities for next year. Due to federal funding reductions, Council funds will be reduced from \$30,000 to \$20,000. Musel reviewed budget recommendations by both the Executive Committee and staff. The staff recommendation is based upon a review of historic averages for Council and subcommittee meetings. Future meetings would include a report on expenditures/balances of the line items.

As a result of the additional information from staff, the motion by the Executive Committee failed.

**Allen moved to approve the staff recommendation, seconded by Judge Clarke. There was no further discussion. The motion was unanimously approved.**

- **Expenditure of Remaining Funds – Action**

Musel reviewed staff discussions regarding the remaining \$9,074 in Council Funds that expire September 30<sup>th</sup>. Staff recommend that CJJ dues for 2014 be paid in advance and a new laptop computer be purchased for use in taking meeting minutes.

**Clarke moved to approve the above expenditures, seconded by Candice Bennett. There was no discussion. The motion was unanimously approved.**

[10:32 a.m. – Jacey Bair-Waddel joined the meeting]

#### **VI. Compliance Monitoring Report**

Musel provided an overview of compliance monitoring requirements and facilities visited. The report has been submitted to OJJDP. While there are a few violations, Iowa is still in compliance with the JJDP Act.

A discussion was held regarding PREA (Prison Rape Elimination Act) and whether it was included in compliance monitoring. Musel reported that it is not clear which agency will conduct monitoring of juvenile facilities. The subject will be added to the next meeting agenda for further discussion. Musel will try to arrange a speaker.

Jeremy Kaiser discussed a Department of Justice report regarding “Sexual Victimization in Juvenile Facilities Reported by Youth”. The report listed four facilities in Iowa and ranked the Eldora State Training School for Boys fairly high. The matter will be added to the December meeting agenda for further discussion.

## **VII. Federal Funds Discussion with Congressmen Tom Latham**

Rep. Tom Latham joined the meeting. Kuker provided an overview of Council membership and reduction in federal funds for juvenile delinquency programming.

Latham addressed House and Senate budget proposals, the debt ceiling, and irreconcilable differences between the House, Senate, and Whitehouse. He discussed the sequester and its affect on defense spending. There is pressure and incentive for legislators to come to some sort of agreement.

[10:42 a.m. – Wayne Ford joined the meeting]

Candice Bennett assured Latham that Iowa has implemented some of the best practices in the nation and is getting good outcomes. Federal funding allows the state to be creative and helps youth stay in their communities.

Kathy Nesteby provided information on the recently awarded juvenile justice reform grant. Wayne Ford addressed concerns with the continued high incarceration of and challenges faced by minorities.

Latham noted the importance of continuing advocacy and communication. He departed the meeting at 10:55 a.m.

## **VIII. Executive Sub-Committee**

- **Coalition for Juvenile Justice: Safety, Opportunity & Success Project – Action**

Musel reported on CJJ's SOS project and that a 'participation level' endorsement was requested. He explained that youth in other parts of the country who violate a status offense can be placed in detention through the use of a valid court order. Iowa does not have this. The Executive Committee chose not to take a position on the matter.

**Clarke moved to inform CJJ that the valid court order exception does not exist in Iowa. While Iowa supports efforts to effect change in the other 49 states, it would not take a position. The motion was seconded by Bennett. There was no further discussion. The motion passed unanimously.**

- **Policy & Programs Sub-Committee/Legislative Action Sub-Committee Recommendation – Action**

Musel referred to past Council discussions to extend the reach of the PnP Committee to legislative affairs. The matter was referred to the Executive Committee which requested lobbying guidelines. Musel reviewed handouts encompassing JJDP Act assurances, and federal and state code.

Discussion included that individual members could share position papers to educate legislators, but could not request bill sponsorship or funding. Ferneau suggested that, as a courtesy, members contact Paul Stageberg, CJJP Division Administrator, prior to meeting with any legislators.

**Allen moved that legislative action become a function of the PnP Subcommittee, seconded by Ford. There was no further discussion. The motion was unanimously approved.**

Musel will reconvene the Executive Committee and incorporate the above changes into the bylaws. The bylaws will be submitted to the full Council for approval at the December meeting.

- **Standing Approval for Out-of-State Travel & Designated In-State Conferences – Action**

Musel explained that the Executive Committee requested that standing approval be eliminated for all out-of-state travel and conference attendance. Future requests would be approved by the full Council. Discussion included timing of approval when short notice is received. Musel stated the Executive Committee could be convened should the need arise.

**Bennett moved to eliminate standing approval for out-of-state travel and conference attendance, seconded by Tony Reed. There was no further discussion. The motion was unanimously approved.**

- **Edits to By-Laws Recommendation – Action**

Musel reviewed minor edits to the JJAC Bylaws:

- Page 4 – Article 3H, Participation in Meetings: remove the ‘in person’ requirement for motion/motions to accommodate electronic meetings and remove wording referring to the distribution/reading of written communications pertaining to motions in the absence of a member, requiring the member to be present.

**Margaret Johnson moved to approve the above amendments and noted that ten days were provided for member review as required in the bylaws, seconded by Clarke. There was no further discussion. The motion was unanimously approved.**

- **Elect Member-At-Large – Action**

This item was tabled.

[The meeting recessed for lunch from 12:00-12:45 p.m. Ford departed the meeting. Tom Southard joined the meeting.]

## **IX. Iowa Juvenile Home Discussion with Disability Rights Iowa**

Ferneau stepped aside; Andrew Allen, Vice Chair, presided. He introduced Beth Rydberg, Child Advocate/Investigator, and Nathan Kirstein, staff attorney, with Disability Rights Iowa (DRI). DRI is a protection and advocacy agency that has federal authority and funding to monitor facilities and investigate allegations of abuse and neglect.

Rydberg and Kirstein reviewed issues pertaining to the Iowa Juvenile Home (IJH) and adjudicated/CINA girls confined to isolation cells. DRI recommendations include changes to the Iowa Code to encompass youth with mental health issues; leadership/organizational changes; needs assessments; inspection oversight; educational accreditation; seclusion rules; and a panel to oversee transitional changes.

Use of restraints and seclusion incidents have reduced. Changes have been made regarding the use of control rooms, including the removal of some doors. IJH staff are working to ensure that youth removed from school are receiving educational supports.

Discussion included the need for an adequate number of beds/separate place for delinquent girls; licensed educational instructors and Department of Education oversight; and a review of best practices including trauma-informed care and female responsive training.

Ferneau resumed her role as Chair.

**X. Iowa Task Force for Young Women Sub-Committee Report (ITFYW)**

**• School to Court Position Paper – Action**

Tibbetts reported that the ITFYW has stayed informed regarding issues at the IJH. A meeting was held with Rick Schults, DHS, to offer assistance with hiring, training, technical assistance, and female responsive policies.

Tibbetts acknowledged efforts by ITFYW and DMC members to co-write the School-to-Court Position Paper.

Kuker provided an overview of the position paper recommendations and supporting research. Discipline data will include race and gender. He noted ongoing efforts with the Department of Education, local school districts, and law enforcement. Once approved, the paper will be utilized to inform appropriate parties.

**The motion to approve the School-to-Court Position Paper was unanimously approved.**

**XI. Disproportionate Minority Contact (DMC) Sub-Committee Report**

In the absence of Wayne Ford, Kuker reported on the following DMC activities.

- New members will be added to the DMC Subcommittee.
- The joint school-to-court position paper was completed.
- The Des Moines area has recently experienced a number of high profile incidents involving young African-American youth.
- Federal funding has been awarded to support the development of a comprehensive state DMC strategic plan and statewide implementation of an automated detention screening tool. As a result, the Implementation Committee may disband and another group would be seated by the State Court Administrator's office.

Ferneau reviewed a request by Wayne Ford for the DMC Subcommittee to meet and discuss issues with Governor Branstad. Ford is concerned with the issues noted above and legislative deadlines.

The Council discussed the need for a unified voice, accurate information, and specific charge based on established positions. It was suggested that the Executive Subcommittee was the appropriate group to meet with the Governor. Ferneau will contact Ford and advise him of the group's discussion.

**XII. Mental Health Substance Abuse Brain Development (MHSABD) Sub-Committee Report**

- **Juvenile Court Officer Survey Report – Action**

Burkhart reviewed findings of the JCO survey conducted in the spring of 2013. She anticipated different responses on the next survey due to integrated health homes. The final draft has been shared with Chief JCO's.

**Joel Illian moved to accept the final draft, seconded by Zach Thomas. There was no discussion. The motion was unanimously approved.**

[2:10 pm Margaret Johnson departed meeting.]

**XIII. Juvenile Detention Alternative Initiative (JDAI) & Implementation Committee Report**

- **School to Court Update**

Kuker reported on school administration training in Iowa City. The training focused on discipline policies and alternatives for youth with behavioral issues.

Beisner noted that a disparate number of minority students are suspended for disruptive behavior. While suspended, these youth may end up in juvenile court.

**XIV. State of Iowa Youth Advisory Council (SIYAC) and Iowa Collaboration for Youth Development (ICYD) Update**

- **Youth Congress Report**

Steve Michael introduced Megan Blanford and Betsy Penisten, AmeriCorps members who serve as the Iowa Youth Congress and SIYAC Coordinators, respectively. Information regarding the two youth programs was shared.

Michael discussed ICYD and the importance of a youth transition decision making model to help youth transitioning from the IJH and other settings to adult life. A similar program exists for youth in foster care. A presentation will be given to Chief JCO's. Some funding provided by the JJAC for positive youth development will be used towards this effort.

**XV. Juvenile Justice Reform Project (JJRP) Update – Kathy Nesteby**

Nesteby reported that 100 people attended the JJRP stakeholder meeting in July. The governor and several legislators were attendance. Training was held for implementation teams from the state and 1<sup>st</sup>, 3<sup>rd</sup>, 6<sup>th</sup> Judicial Districts. An action plan was developed and programs were selected for evaluation. She reviewed program evaluation elements.

[2:27 p.m. – Bill Ocker departed the meeting]

**XVI. Unfinished Business**

There was no unfinished business.

**XVII. New Business**

Andrew Allen inquired into SAG responsibilities required by the JJDP Act. The matter will be added to the December meeting agenda.

**XVIII. Next Meeting – Thursday, December 5<sup>th</sup>, 2013: Polk County River Place, Room 1A**

**XIX. Adjourn**

The meeting adjourned at 2:33 p.m.

Respectfully submitted,

Julie Rinker  
Administrative Secretary  
Div. of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights